

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/17/2022

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LUC R. BERNARD,

Plaintiff,

-v-

CARE DESIGN N.Y.,

Defendants.
-----X

20-cv-1527 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court held an initial conference in this matter with all parties present on November 17, 2022. This order memorializes the decisions of the Court during the conference.

The parties are ordered to meet and confer as to whether Plaintiff may proceed with his Amended Complaint filed at Dkt. No. 33, including whether the Amended Complaint is timely, whether the amendments are permitted under this Court's prior Opinion and Order, Dkt. No. 26, and whether the Amended Complaint states a claim. If the Defendant chooses to not object to Plaintiff's Amended Complaint, it shall respond by January 9, 2023. If the parties agree that Plaintiff may file a further amended complaint, Plaintiff shall do so by January 9, 2023. If the parties disagree as to the propriety of the Amended Complaint, Defendant may move to dismiss the Amended Complaint by January 9, 2023. Plaintiff shall file his opposition to any motion by January 23, 2023. Defendant shall file its reply by January 30, 2023.

Defendant shall file a revised Case Management Plan by November 22, 2022 with an initial disclosure deadline of November 30, 2022 and the discovery dates postponed by six weeks. A post-discovery status conference is set for July 26, 2023 at 2:00 p.m. via teleconference. Motions for summary judgment will be due by August 14, 2023.

The Court shall refer the parties to the mediation program of the Southern District of New York via separate order. The Court will also request appointment of pro bono counsel for *pro se* Plaintiff for the limited purpose of representing him in the mediation. If mediation is unsuccessful, Plaintiff may reapply for pro bono counsel to represent him in the litigation.

SO ORDERED.

Dated: November 17, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge